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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

230 SOUTH DEARBORN ST.

CHICAGO, ILLINOIS 60604

REPLY TO THE ATTENTION OF:

SEP 18 1989

Stephen M. Truitt
Pepper, Hamilton, & Scheetz
1300 Nineteenth Street, N.W.
Washington, D.C. 20036

RE: Cabot Corporation
Fieldsbrook Site
Ashtabula County, Ohio

Dear Mr. Truitt:

On June 21, 1989 the United States Environmental Protection Agency (U.S. EPA) mailed to your client, Cabot Corporation, a letter requesting reimbursement for all response costs incurred by U.S. EPA at the Fieldsbrook site in Ashtabula County, Ohio. This letter was sent by U.S. EPA pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended (CERCLA) and indicated that as of April 20, 1989 U.S. EPA had incurred response costs of \$969,282.49 at the Fieldsbrook site.

In response to this letter, on August 29, 1987 your client mailed a check to U.S. EPA in the amount of \$30,290.08. Apparently your client arrives at the \$30,290.08 figure by dividing the \$969,282.49 by the number of potentially responsible parties (PRPs) listed in U.S. EPA's June 21, 1989 letter.

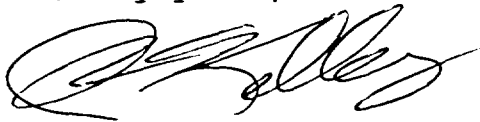
As you are aware, liability under CERCLA is joint and several. Therefore, your client's liability is for the whole \$969,282.49, not just a fractional portion thereof. Thus, U.S. EPA cannot accept your client's \$30,290.08 check as full payment for response costs incurred by U.S. EPA at the site.

If it is your position that the \$30,290.08 check mailed by your client is in full payment for response costs incurred at the site, U.S. EPA will return the money to your client. However, if you wish that U.S. EPA accept your client's check as partial payment, U.S. EPA will reduce the amount owed to U.S. EPA at this site. If you choose to have U.S. EPA accept this check as a

partial payment then this money is not subject to refund. However, U.S. EPA recognizes that to the extent additional monies are owed, Cabot Corporation reserves its right to contest such costs.

Please contact Michael Berman, Assistant Regional Counsel to discuss your position with respect to this check. Mr. Berman may be reached at (312) 886-6837. Your prompt attention to this matter is appreciated.

Sincerely yours,

A handwritten signature in dark ink, appearing to read "John Kelley", written in a cursive style.

John Kelley, Chief
Superfund Program Management Branch

bcc: Peterson
Puchalski
Audia
Kelley
Geishecker
Wojtas
Warnsley